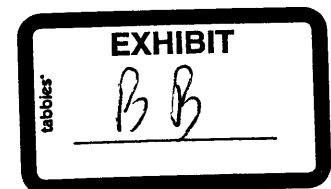


CC-2003-418



22+1

State of Alabama
Unified Judicial System

Form C-18

Rev. 10/86

JUDGEMENT/ORDER

Case Number

CC - 2003 - 418


IN THE _____ CIRCUIT COURT OF _____ COVINGTON COUNTY, ALABAMA
(Circuit, District or Municipal) (Name of County or Municipality)STATE OF ALABAMA v. LARYIE EARL JONES
Plaintiff Defendant

(For juvenile cases only):

In the Matter of: _____

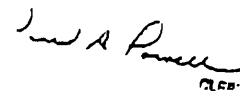
Trial is continued on defense motion.

DONE and ORDERED this 23rd day of February, 2004.


M. ASHLEY MCKATHAN, CIRCUIT JUDGE

FILED IN OFFICE

FEB 26 2004


J. A. Powell
CLERK

Signature of Judge

Certified as a true copy

Date

By: _____

Clerk

Clerk

DONE and ORDERED this the 15th day of February, 2005.


M. ASHLEY MCKATHAN, CIRCUIT JUDGE

8

ALABAMA JUDICIAL INFORMATION CENTER

CR0369 CASE ACTION SUMMARY
CONTINUATION

CASE: CC 2003 000418.00
JUDGE ID: MAM

STATE OF ALABAMA VS JONES LARRYIE EARL

DATE ACTION, JUDGMENTS, CASE NOTES

01-15-04 Motion to Withdraw CC-02-418 CB
1-20-04 Amended Answer to Motion for Discovery
2-2-04 Motion for Bond Reinstatement - 2/5/04 Order; There is
nothing to indicate that the clerk is not allowed a bond
with respect to this particular proceeding.
2-26-04 Order cont on defense motion
6-21-04 Answer to Motion for Discovery
ORDER

Defendant fails to appear as required.
Consequently, the Clerk shall issue an alias warrant for
said defendant's arrest, and shall likewise institute
appropriate bond forfeiture proceedings.

June 22, 2004
Circuit Judge

6-22-04 Alias Issued; Executed.

State of Alabama Unified Judicial System Form C-18 Rev. 10/86	JUDGEMENT/ORDER	Case Number CC-2003-187 CC-2003-418 CC-2003-419 CC-2004-347
---	------------------------	---

IN THE _____ CIRCUIT COURT OF _____ COVINGTON COUNTY, ALABAMA
(Circuit, District or Municipal) (Name of County or Municipality)

STATE OF ALABAMA v. LARRYIE EARL JONES
Plaintiff Defendant

(For juvenile cases only):
In the Matter of: _____

FILED IN OFFICE

JUN 03 2005

It is hereby ORDERED that Hon. Al Smith is now allowed to withdraw ^{Riley A. Powell} CLERK
as counsel of record for the defendant, and, further, that Hon.
Riley Powell, a practicing attorney in Covington County,
Alabama, should be, and he therefore is, appointed to represent this
indigent defendant from this day forward.

DONE and ORDERED this the 3rd day of June, 2005.


M. ASHLEY MCKATHAN, CIRCUIT JUDGE

Signature of Judge

Certified as a true copy

Date _____

By: _____

Clerk

State of Alabama Unified Judicial System Form C-18 Rev. 10/86	JUDGEMENT/ORDER	Case Number CC - 2003 - 418
---	------------------------	--------------------------------

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
(Circuit, District or Municipal) (Name of County or Municipality)

State of Alabama v. Laryie Earl Jones
Plaintiff Defendant

(For juvenile cases only):
In the Matter of: _____

Trial as set this day is continued on defendant's motion. Thereupon, Hon. Grady Lanier seeks permission to withdraw as counsel for Laryie Earl Jones, and that request is GRANTED. Mr. Jones indicates that he will retain new counsel. He is accordingly allowed thirty (30) days to do so. If a retained attorney does not appear within the time allowed, then, in that event, Hon. David Baker shall be deemed to be appointed as the new defense lawyer, all without further order of the Court.

DONE and ORDERED this the 22nd day of September, 2004.


M. ASHLEY MCKATHAN, CIRCUIT JUDGE

FILED IN OFFICE

SEP 23 2004


CLERK

Signature of Judge

Certified as a true copy

Date

By: _____
Clerk

IN THE CIRCUIT COURT OF
COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

LARYIE JONES

CC-2003-187-MAM
CC-2003-418-MAM
CC-2003-419-MAM
CC-2004-347-MAM

FILED IN OFFICE

APR 11 2005

MOTION TO CONTINUE

Roy A. Ponce
CLERK

COMES NOW, LARYIE JONES, by counsel, and moves to **CONTINUE** the trial of this matter now set for April 25, 2005, and cites as grounds therefore as follows:

1. This Honorable Court granted the Defendant's motion for funds for an expert forensic chemist on February 15, 2005.

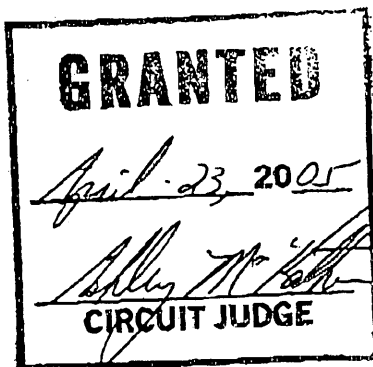
2. Counsel has offered to pay the custodian of evidence the mileage afforded state employees to transport the evidence to the designated forensic chemist in Auburn, Alabama to expedite the independent testing allowed and authorized by the Court. Counsel has also offered to pay the cost via UPS or FEDEX to transport the evidence. Counsel has offered to stipulate to the chain of custody and make no issue regarding same, at any stage of the case.

3. The custodian of the evidence has declined to release the evidence for testing without a court order. Therefore, no independent testing has taken place.

PREMISE considered, this Honorable Court is requested to continue this matter from the April 25, 2005, docket to permit testing. A separate request for an order to transport the evidence is requested.

Respectfully submitted this April 11, 2005.

Sydney Albert (Al) Smith
Sydney Albert (Al) Smith SMT098
Attorney at Law
P. O. Drawer 389
Elba, AL 36323
Phone: 334-897-3658
Fax: 334-897-8633



CERTIFICATE OF SERVICE

Page 1 of 2

IN THE CIRCUIT COURT OF
COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

LARYIE JONES

CC-2003-187-MAM
CC-2003-418-MAM
CC-2003-419-MAM
CC-2004-347-MAM

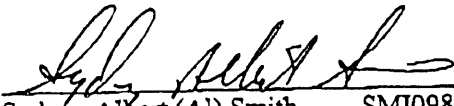
MOTION TO WITHDRAW

COMES NOW, SYDNEY ALBERT SMITH, appointed counsel for LARYIE EARL JONES, and moves to **WITHDRAW** as counsel and cites as grounds therefore as follows:

1. The Defendant has recently written counsel a letter expressing anger with the way counsel is handling, or not handling his case.
2. The Defendant has accused counsel not helping him, "not working for me", and that he, the Defendant is or has "written" (sic) the State Bar complaining about counsel.
3. The Defendant has stated that, "I will give you to next week to get me out of jail, so it is up to you, or you will answer to the State Bar".
4. The Defendant continues to, against counsel's advice, file *pro se* motions and law suits that are essentially frivolous and harassing.
5. Counsel has admonished the Defendant that there can be only one of us representing him, either appointed counsel or the Defendant, not both. The Defendant persists in trying to represent himself in contravention to what counsel advises, continues to file numerous *pro se* pleadings essentially without merit and misquoting law, and now has accused counsel of misconduct and threatened counsel.

PREMISE considered, the Defendant has made it impossible for counsel to continue to represent him without be in jeopardy of violating the Rules of Professional Conduct.

Respectfully submitted this May 9, 2005.

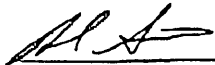

Sydney Albert (Al) Smith SMI098
Attorney at Law
P. O. Drawer 389
Elba, AL 36323
Phone: 334-897-3658
Fax: 334-897-8633

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing the date above by placing same in the United States Mail, postage paid, and addressed as follows:

Honorable Walt Merrill
Chief Assistant District Attorney
Covington County Courthouse
Andalusia, AL 36420

Mr. Laryie Earl Jones
%Covington County Jail
290 Hillcrest Dr.
Andalusia, AL 36420

 5/5/05

Al Smith Date

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

LARYIE EARL JONES
DEFENDANT.

CASE NO: CC-03-418

MOTION FOR CONTINUANCE

COMES NOW the Defendant, **Laryie Earl Jones** by and through his counsel of record, A. Riley Powell, IV, and moves this Honorable Court to continue his trial, currently scheduled for the Week of June 27, 2005 and as grounds therefor sets down and assigns the following:

1. Counsel for Defendant was just recently appointed.
2. Counsel for Defendant has not had adequate time to prepare his case.
3. See attached Consent to Continuance executed by the Defendant.

Respectfully submitted this 27 day of June, 2005.

THE POWELL LAW FIRM, P.C.

By: Riley Powell
A. Riley Powell, IV (POW029)
Post Office Drawer 969
Andalusia, Alabama 36420
334/222-4103

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the above and foregoing on all counsel of record for the parties by placing a copy of same in the United States mail, postage prepaid and addressed to their regular mailing address, as follows:

Honorable Walt Merrell
District Attorney's Office
Covington County Courthouse
Court Square
Andalusia, Alabama 36420

This the 27 day of June, 2005.

Tiley Powell
Of Counsel

In the Circuit Court of Covington County, Alabama

STATE OF ALABAMA,
Plaintiff

vs.

LARRYIE EARL JONES,
Defendant

Case Numbers

CC-2003-187
CC-2003-418
CC-2003-419
CC-2004-347

CONSENT TO CONTINUANCE

I, Larryie Earl Jones, do hereby consent to my cases being continued by the Court from their current trial setting (June 30, 2005). I also understand that I have an ongoing Motion for Speedy Trial.

I have discussed the continuance and the Speedy Trial Motion with my attorney. I understand my rights and ~~know~~ knowingly, voluntarily and intelligently consent to the continuance of the trial.

Done this 27th day of June, 2005

[Signature]
Witness

Larryie Earl Jones
Larryie Earl Jones

[Signature]
Witness

State of Alabama
Unified Judicial System

CASE ACTION SUMMARY CONTINUATION

Case Number

Form C-7 Rev. 2/79

ID YR Number

Style:

Page Number of Pages

DATE	STATE OF ALABAMA	ACTIONS, JUDGMENTS, CASE NOTES	IN THE CIRCUIT COURT OF
	PLAINTIFF,	*	COVINGTON COUNTY, ALABAMA
	VS.	*	
	LARYIE EARL JONES,	*	CASE NO. CC-2003-418
	DEFENDANT,	*	
	ORDER		
	The defendant, Laryie Earl Jones, appeared in open Court in person with Hon. Ab Powell,		
	The partner of his defense counsel of record, and, whereupon the defendant withdrew his plea of		
	not guilty and whereupon the defendant plead guilty to Unlawful Possession of a Controlled		
	Substance (Cocaine), said crime being set forth in Count I of the indictment.		
	Upon his plea of guilty, the Court proceeded per the requirements of the Alabama Rules		
	of Criminal Procedure, by which means it accepted the said plea. On account of the foregoing		
	things, defendant stood and was adjudged to be guilty of Unlawful Possession of a Controlled		
	Substance (Cocaine) as charged in Count I of the indictment. The Court then sentenced such		
	defendant to a term of fifteen (15) years imprisonment in the penitentiary of the State of		
	Alabama under the Habitual Felony Offender Act on Count I. Notwithstanding that fact, it is		
	specifically provided that the defendant shall receive credit for any time already served on this		
	prosecution. Further, and in view of the preceding matters, all other Counts of the indictment are		
	now due to be, and same accordingly are, nolle prossed.		
	Further, the sentence imposed herein shall run concurrently with any time simultaneously		
	served in Covington County Case Numbers CC-2003-187 and CC-2003-419.		

ACTIONS, JUDGMENTS, CASE NOTES

Date

As additional punishment for the conviction in this particular cause, the defendant was ORDERED to pay: all costs incurred herein, including the fees of court appointed defense counsel; \$100.00 to the Alabama Crime Victim's Compensation Fund; \$2,000.00 User's Fee (Count I); \$100.00 to the forensics trust fund

Said payments are to be made as follows: \$50.00 per month beginning as indicated by separate order bearing even date herewith.

It is further ORDERED that the defendant: shall submit to substance abuse evaluation by the Court Referral Officer and undergo treatment in that level of Substance Abuse Program as such officer may recommend; Shall surrender his driver's license to the State Department of Public Safety who shall suspend or revoke same for six (6) months by reason of this judgment, pursuant to the plea agreement and as required by law; shall, within 30 days of his release from incarceration enroll in and successfully complete a twelve (12) month residential substance abuse rehabilitation program; shall attend Substance Abuse Recovery meetings (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) at least once a week; shall forfeit to the State all seized evidence in this case for the purpose of destruction; and, upon recommendation of the State of Alabama, the Sheriff of Covington County is directed to issue the Defendant a 48 hour pass for leave from the Covington County Jail, beginning at 5:00 p.m. on September 28, 2005 and ending at 5:00 p.m. on September 30, 2005

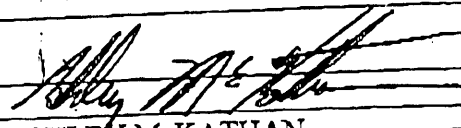
The above acts being done, the Court notes that it specifically advised the defendant of his limited rights of appeal under Rule 14.4(a)(1)(vii), A.R.Crim.P. but he did not give any kind of notice of appeal.

Date

ACTIONS, JUDGMENTS, CASE NOTES

The defendant did apply for the benefits of probation and herein is granted a split sentence. The defendant shall now serve one (1) year in the penitentiary of the State of Alabama upon his total term in this case, with said split sentence beginning on September 27, 2005 and concluding one (1) year from that date. The defendant shall nonetheless receive credit for time served as specified previously in this Order, but without any deduction therefrom under the Alabama Correctional Incentive Time Act. The execution of the remainder of the defendant's sentence is thereupon suspended, and the defendant is placed upon probation for such remainder by separate order bearing even date herewith.

DONE and ORDERED this the 27th day of September, 2005.


M. ASHLEY MCKATHAN
CIRCUIT JUDGE

I have read over and/or have had read to me by my attorney the above Order and attest I understand said Order and that said Order accurately sets out the plea agreement that I have reached with the State.

9/27/05
DATE

Sayre Eads Jones
DEFENDANT

I have read the above Order and have gone over it with and/or read it to the defendant. I attest that said Order accurately sets out the plea agreement that my client has reached with the State. I further attest that I have discussed this Order with my client to the extent that he has assured me that he understands said Order and that I am comfortable in representing that he understands said Order.

9/27/05
DATE


ATTORNEY FOR DEFENDANT

ACTIONS, JUDGMENTS, CASE NOTES

DATE 9/27/05

~~PROSECUTING ATTORNEY~~

9-27-05

new & Procton after all over; Split Section

9-28-05

Transcript & Record

State of Alabama
Unified Judicial SystemORDER OF PROBATION
AFTER ALLOWANCE OF SPLIT-SENTENCE

Case Number

CC 03 418
ID YR Number

Form C-33 Rev. 2/81, as modified for local use.

IN THE _____ CIRCUIT COURT OF _____ COVINGTON COUNTY

STATE OF ALABAMA vs. LARRYIE EARL JONES

It appears to the Court the above named defendant has

☒ (plead guilty and) been convicted of the offense of Unl. Poss. of a Controlled Substance (Cocaine)☐ has been adjudicated a Youthful Offender for the underlying offense of _____

and has been sentenced and granted a split sentence and probation by separate order. Thereupon, it is directed that the following terms and conditions shall govern defendant's probation once he has served his split and is released on probation.

It is the order of the Court that the probationer comply with the following general and special conditions of probation:

Do not violate any Federal, State, or local law.

Avoid injurious or vicious habits.

Avoid persons or places of disreputable or harmful character.

Report to the Probation Officer as directed.

Permit the probation officer to visit him at his home or elsewhere.

Work faithfully at suitable employment as far as possible.

Remain within a specified place to-wit: State of Alabama

Support his dependants to the best of his ability.

Do not change residence or employment without the consent of the Probation Officer.

Pay to the Probation Officer \$30.00 per month during the probation period, pursuant to Section 15-22-2,

Code of Alabama, 1975.☐ The defendant shall perform _____ hours of community service. Said service shall be approved in advance by the probation officer, and shall then be monitored by him. Further, said service shall be performed in increments of not less than _____ hours per week until it is finished.☒ The defendant shall submit to substance (drug and/or alcohol) abuse evaluation by the Court Referral Officer and undergo treatment in that level of the Substance Abuse Program as such officer may recommend.☒ The defendant is not to use alcohol or narcotic drugs, or frequent places where intoxicants or drugs are sold, dispensed, or used unlawfully; not to own, possess or have under your control a firearm; to participate in alcoholic, drug treatment, or other therapeutic programs when instructed to do so by your Probation Officer; to make yourself available for searches and/or tests when ordered by your Probation Officer, including, but not limited to, Urinalysis, Breathalyzer, and blood samples and/or search of your residence, vehicle, or any property under your control.

It is further ordered by the Court that the defendant pay his assessments in this case in the following manner.

The defendant shall remit the sum of \$50.00 per month over unto the Circuit Clerk until every thing he owes in this matter has been completely satisfied.Other special conditions ordered by the Court are as follows: The remittances as mentioned above shall commence within 60 days of the date on which the defendant finishes the requirements of the next paragraph.The defendant shall enroll in, and successfully proceed through, a one year long, residential, substance abuse program. Such ~~enroll~~ shall transpire within 30 days of the date on which the defendant is done with the prison portion of his split-sentence. Further, the substance abuse program chosen by the defendant pursuant hereto must be approved in advance by his probation officer.

The defendant shall forfeit any evidence seized in this case for the purpose of destruction.

Finally, the defendant shall attend a Narcotics Anonymous meeting at least once each week for so long as he remains on probation.

FILED IN OFFICE

SEP 27 2005

R. A. Pinner
CLERK

It is the further order of the Court and the defendant is hereby advised that the Court may at any time revoke or modify any conditions of this probation or change the period of probation and may discharge defendant from probation or extend the period of probation. The probationer shall be subject to arrest for violation of any condition of the probation herein granted. The Court may, at any time, for cause, order the original sentence executed.

Ordered at Andalusia, Alabama, this (Date) the 27th day of September, 2005.

Judge

A copy of this order has been delivered to the probationer, who has been instructed regarding same this (date) _____

Probation Officer

The above instructions and conditions have been read and explained, and I hereby accept these conditions, agreeing to abide by them.

Race _____ Age _____ Sex _____

Probationer sign here

Occupation _____

Address of Probationer

11/01/2005 17:12 FAX 3342226504 COVINGTON CO. D.A. OFFICE 2017

EXPLANATION OF RIGHTS AND PLEA OF GUILTY		Case Number
State of Alabama		CC-03-418
Unified Judicial System		
Form C-44C (front) Rev. 8/95	(Habitual Or Non-Habitual Offender -- Circuit or District Court)	
As rev. for local use 6/98; 6/00, 8/02		

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
(Circuit, or District) (Name of County)

STATE OF ALABAMA V. LARYIE EARL JONES
Defendant

TO THE ABOVE-NAMED DEFENDANT: The Court being informed that you wish to enter a plea of guilty in this case, this is to inform you of your rights as a criminal defendant.

PENALTIES APPLICABLE TO YOUR CASE

You are charged with the following crime(s):

1 count(s) of Unl Poss CS which is a Class C ☒ Felony ☐ Misdemeanor.
1 count(s) of Unl Poss Drug Paraph which is a Class A ☐ Felony ☒ Misdemeanor.
count(s) of _____ which is a Class _____ ☐ Felony ☐ Misdemeanor.
count(s) of _____ which is a Class _____ ☐ Felony ☐ Misdemeanor.

The Court has been informed that you desire to enter a plea of guilt to the crime(s) of:

Unl Poss CS on count(s) I which is a Class C ☒ Felony ☐ Misdemeanor.
on count(s) _____ which is a Class _____ ☐ Felony ☐ Misdemeanor.
on count(s) _____ which is a Class _____ ☐ Felony ☐ Misdemeanor.
on count(s) _____ which is a Class _____ ☐ Felony ☐ Misdemeanor.

The sentencing range for the above crime(s) is set out below:

FELONY		
MISDEMEANOR	Up to one (1) year imprisonment in the county jail, or a fine up to \$2,000, or both.	Class A
Class A		Not less than ten (10) years and not more than life or ninety-nine (99) years imprisonment in the state penitentiary, and may include a fine not to exceed \$20,000.
Class B	Up to six (6) months imprisonment in the county jail, or a fine up to \$1,000, or both.	Class B
		Not less than twenty (20) years imprisonment in the state penitentiary, and may include a fine not to exceed \$10,000.
Class C	Up to three (3) months imprisonment in the county jail, or a fine not to exceed \$500, or both.	Class C
		Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, and may include a fine not to exceed \$5,000.

You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony and \$25 and not more than \$1,000 for each misdemeanor for which you are convicted. This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked Apply To Your Case)

As a reported Habitual Offender, you are further advised that the Alabama Habitual Offender Act, §13A-5-9, provides the following enhanced punishment for anyone who has been previously convicted of one or more felonies and who then is convicted of a subsequent felony.

Prior Felonies → This offense ↓	No Prior Felonies	One Prior Felony	Two Prior Felonies	Three + Prior Felonies
Class C Felony	1 Yr. & 1 Day - 10 Years In State Penitentiary Fine Up To \$5,000	2 - 20 Years In State Penitentiary Fine Up To \$10,000	10 years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine Up To _____
Class B Felony	2 - 20 Years In State Penitentiary Fine Up To \$10,000	10 Years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine Up To _____	20 Years - Life Imprisonment Fine Up To _____
Class A Felony	10 Years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine Up To _____	Life Imprisonment or Any Term Of Years, If no prior Class A Felony Years In State Penitentiary Fine Up To _____	Mandatory Imprisonment - Life. If no prior Class A Felony Parole permitted if judge chooses. Otherwise no parole. Fine up to _____

(* means fine amount will be filled in by the Court)

This crime is also subject to the following enhancements or additional penalties, as provided by law (Provisions checked apply to your case):

- ☐ Enhanced Punishment For Use Of Firearm Or Deadly Weapon: §13A-5-6, Code of Alabama 1975, provides for the enhancement of punishment where a "firearm or deadly weapon was used or attempted to be used in the commission of a felony." This section provides for the following punishment in such event: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; For the commission of a Class B Felony, a term of imprisonment of not less than 10 years; For the commission of a Class C Felony, a term of imprisonment of not less than 10 years.
- ☐ Enhanced Punishment For Drug Sale Near Housing Project: §13A-12-270, Code of Alabama 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment for each violation.
- ☐ Enhanced Punishment For Drug Sale Near School: §13A-12-250, Code of Alabama 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years' imprisonment for each violation.
- ☐ Enhanced Punishment For Sale Of Controlled Substance To One Under 18: §13A-12-215, Code of Alabama 1975, provides that anyone convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.
- ☒ Forensic Trust Fund Fee: Section 36-18-7 provides that, in addition to all fines, fees, costs and punishments prescribed by law, there shall be imposed or assessed an additional fee of \$100.00 on any conviction in any court of the state for drug possession, drug sale, drug trafficking and drug paraphernalia offenses as defined in Sections 13A-12-211 to 13A-12-260

☒ Other: AS SET OUT THE PLEA AGREEMENT

PAGE 18

IN THE CIRCUIT COURT OF
COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

LARYIE JONES

CC-2003-187-MAM
CC-2003-418-MAM
CC-2003-419-MAM
CC-2004-347-MAM

FILED IN OFFICE

APR 11 2005

Roger A. Powell
CLERK

MOTION TO CONTINUE

COMES NOW, LARYIE JONES, by counsel, and moves to **CONTINUE** the trial of this matter now set for April 25, 2005, and cites as grounds therefore as follows:

1. This Honorable Court granted the Defendant's motion for funds for an expert forensic chemist on February 15, 2005.

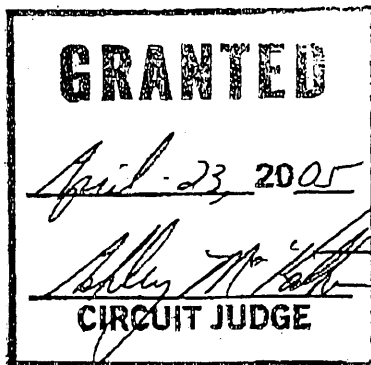
2. Counsel has offered to pay the custodian of evidence the mileage afforded state employees to transport the evidence to the designated forensic chemist in Auburn, Alabama to expedite the independent testing allowed and authorized by the Court. Counsel has also offered to pay the cost via UPS or FEDEX to transport the evidence. Counsel has offered to stipulate to the chain of custody and make no issue regarding same, at any stage of the case.

3. The custodian of the evidence has declined to release the evidence for testing without a court order. Therefore, no independent testing has taken place.

PREMISE considered, this Honorable Court is requested to continue this matter from the April 25, 2005, docket to permit testing. A separate request for an order to transport the evidence is requested.

Respectfully submitted this April 11, 2005.

Sydney Albert (Al) Smith
Sydney Albert (Al) Smith SMI098
Attorney at Law
P. O. Drawer 389
Elba, AL 36323
Phone: 334-897-3658
Fax: 334-897-8633



CERTIFICATE OF SERVICE

Page 1 of 2

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,

}

PLAINTIFF,

}

VS.

}

CASE NO: CC-03-418

FILED IN OFFICE

LARYIE EARL JONES

DEFENDANT.

}

JUN 27 2005

MOTION FOR CONTINUANCE

CLERK

COMES NOW the Defendant, **Laryie Earl Jones** by and through his counsel of record, A. Riley Powell, IV, and moves this Honorable Court to continue his trial, currently scheduled for the Week of June 27, 2005 and as grounds therefor sets down and assigns the following:

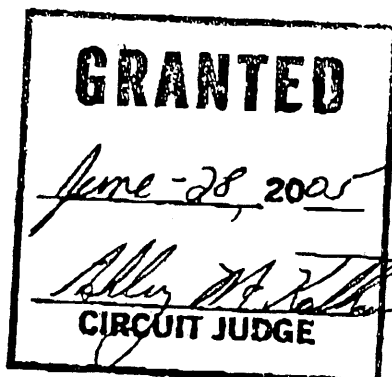
1. Counsel for Defendant was just recently appointed.
2. Counsel for Defendant has not had adequate time to prepare his case.
3. See attached Consent to Continuance executed by the Defendant.

Respectfully submitted this 27 day of June, 2005.

THE POWELL LAW FIRM, P.C.

By: Riley Powell

A. Riley Powell, IV (POW029)
Post Office Drawer 969
Andalusia, Alabama 36420
334/222-4103



FILED IN OFFICE

FEB 18 2005

Roger A. Pinner
CLERK

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

LARYIE EARL JONES,

DEFENDANT.

*
*
*
*
*
*

CASE NOS. CC-2003-187

~~CC-2003-419~~

CC-2003-419

CC-2004-347

ORDER

The trial of this case as now set to transpire during the week of February 28, 2005, should be, and it therefore is, continued on motion of the defendant.

DONE and ORDERED this the 15th day of February, 2005.

M. Ashley McKathan
M. ASHLEY MCKATHAN, CIRCUIT JUDGE

State of Alabama Unified Judicial System Form C-18 Rev. 10/86	JUDGEMENT/ORDER	Case Number CC - 2004 - 347
---	------------------------	--------------------------------

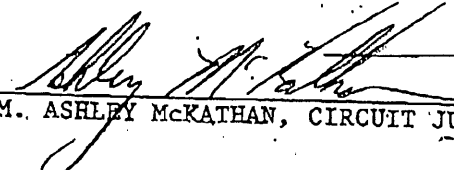
IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
 (Circuit, District or Municipal) (Name of County or Municipality)

STATE OF ALABAMA Plaintiff v. LARYIE EARL JONES Defendant

For juvenile cases only:
 In the Matter of: _____

The trial of this case as set this day should be, and it therefore is,
 continued, all by consent.

DONE and ORDERED this the 25th day of April, 2005.


 M. ASHLEY MCKATHAN, CIRCUIT JUDGE

FILED IN OFFICE

APR 26 2005


 CLERK

Certified as a true copy

Signature of Judge _____

ate _____

lerk _____

By: _____